

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

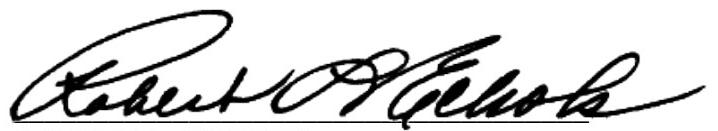
EDWARD HURST, )  
                    )  
Plaintiff,       )  
                    )  
v                  )     Case No. 3:07-0195  
                    )     Judge Echols  
                    )  
CSX TRANSPORTATION, INC. )  
                    )  
Defendant.       )

**ORDER**

For the reasons set forth in the Memorandum issued contemporaneously herewith, the Motion for Summary Judgment (Docket Entry No. 55) filed by Defendant CSX Transportation, Inc. is hereby DENIED.

The Final Pretrial Conference will be held on January 26, 2009, as previously scheduled. The trial of this case before a jury will commence on February 24, 2009, also as previously scheduled.

It is so ORDERED.



ROBERT L. ECHOLS  
UNITED STATES DISTRICT JUDGE